

<b>REQUEST</b>	Current Zoning: UR-2(CD), urban residential, conditional Proposed Zoning: UR-2(CD) SPA, urban residential, conditional, site plan amendment
<b>LOCATION</b>	Approximately 5.71 acres located on the west side of Luther Street generally surrounded by Cherry Street, Main Street, Baxter Street and Eli Street. (Council District 1 - Kinsey)
<b>SUMMARY OF PETITION</b>	The petition proposes a site plan amendment to allow development of 39 single family detached dwellings and two duplexes, at an overall density of 7.53 units per acre.
<b>PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE</b>	Stonehunt, LLC Stonehunt, LLC Anthony Hunt
<b>COMMUNITY MEETING</b>	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 55
<b>STATEMENT OF CONSISTENCY</b>	This petition is found to be inconsistent with the <i>Midtown Morehead Cherry Area Plan</i> and to not be reasonable and in the public interest, based on information from the staff analysis and the public hearing by a 4-2 vote of the Zoning Committee (motion by Commissioner Allen seconded by Commissioner Walker).

<b>ZONING COMMITTEE ACTION</b>	<p>The Zoning Committee voted 5-1 to recommend <b>DENIAL</b> of this petition. The following modifications have been made:</p> <ol style="list-style-type: none"> <li>1. Amended acreage on site plan to reflect 5.71 acres, as specified on the amended application.</li> <li>2. Labeled Sites B and C as referenced on the site plan.</li> <li>3. Specified building materials as cement fiber siding, natural wood siding, masonry and stone exterior finishes, with a minimum 10 percent masonry material. Each home will be set on a stone or masonry foundation. CMU and other raw concrete are not allowed as a finished foundation wall. CMU block parged in stucco is not allowed as a foundation wall finish.</li> <li>4. Noted that duplex units will display the same architectural integrity and requirements as the single family homes, which includes porches with a minimum depth of eight feet.</li> <li>5. Added a note that referenced the site comprised of Site A, B and C as a planned development devoted to residential single family detached dwelling units and two duplexes.</li> <li>6. Specified that the lots in Areas B and C may have frontage on either street.</li> <li>7. Labeled planting strips and/or sidewalks along all street frontages.</li> <li>8. Added a note specifying that the petitioner will construct two duplexes within the planned development and each of the resulting four housing units will be affordable to buyers whose income is at or below 80 percent of the Charlotte Metropolitan Statistical Area (MSA) adjusted mean income.</li> <li>9. Provided a legend on Page 1.</li> </ol>
------------------------------------	---

<b>VOTE</b>	Motion/Second:	Allen/Walker
	Yeas:	Allen, Dodson, Labovitz, Sullivan and Walker
	Nays:	Ryan
	Absent:	None
	Recused:	Nelson

**ZONING COMMITTEE  
DISCUSSION**

Staff presented this item and stated all outstanding issues were addressed. Staff mentioned the addition of a new note to the site plan since the public hearing, providing four units within the planned development affordable to buyers whose income is at or below 80 percent of the Charlotte MSA adjusted mean income.

A Committee member stated that neighborhoods do not stay frozen in time but evolve and redevelop. As such, the proposed single family development is consistent with the area, more so than the approved townhome development, and would complement but not affect the quality of the neighborhood. It was noted that the proposed elevations indicate the houses will be in character with some of the larger homes that have already been built in the neighborhood, and that the homes retain the pattern of windows, porches, roof pitch, building materials similar to existing homes.

Another Committee member questioned how the proposed development could be considered in keeping with one of the adopted area plan's land use goals to continue to provide viable affordable housing opportunities. Staff responded that the area plan set forth affordability as a goal and serves as a guide but does not specify that rezoning should be the means of achieving the goal.

Other Committee members expressed concern about finding a balance between providing quality development while not impacting the existing nature and pattern of the neighborhood. The need for clarity regarding the size of homes was mentioned. Staff indicated that the site plan lists the required minimum lot size of 3,000 square feet, which would allow a maximum 3,000 building foot print with the floor area ratio of 1.0 allowed in the UR (urban residential) district.

The Committee discussed the infill impacts of potentially larger houses abutting smaller existing homes, and suspended the rules to ask the petitioner the number of existing homes that will need to be removed to allow for the development. The petitioner stated that four buildings, containing 12 units, will be demolished, and added that the size and length of the majority of houses on interior lots will not impact existing homes.

There was no further discussion of the petition.

**MINORITY OPINION**

The minority of the Zoning Committee felt that the proposal was appropriate, in that it sought to retain the pattern of windows, porches, roof pitch, and building materials in the existing neighborhood. In addition, a single family development is a better alternative than the townhomes currently allowed, and the proposed homes are similar to larger homes already existing in the neighborhood. As such, the development would complement but not negatively affect the quality of the area.

**STAFF OPINION**

Staff disagrees with the recommendation of the majority of the Zoning Committee. The petition is consistent with the *Midtown Morehead Cherry Area Plan*, which recognizes the existing townhome approval from a previous rezoning but suggests that any new proposal should be single family residential that is compatible with the neighborhood character, at up to eight units per acre. The proposed detached dwellings provide porches. In addition, the style and architectural style of the proposed houses strikes a balance between the existing housing styles in the neighborhood, which range from single story smaller bungalow style homes to newer, often modern homes being developed by-right in the existing zoning without limits on the number of stories, building materials, maximum size and character.

The proposed site plan provides porches on all units, places limits on building materials, limits building height to a maximum of 40 feet, limits the building footprint to a maximum of 3,000 square feet, and prohibits front loaded two-car garages.

**FINAL STAFF ANALYSIS**  
(Pre-Hearing Analysis online at [www.rezoning.org](http://www.rezoning.org))

**PLANNING STAFF REVIEW****• Background**

- The subject property was rezoned via Petition 2007-128 from R-8 (single family residential) to UR-2(CD) (urban residential, conditional) to allow 63 townhome units at a density of 9.3 units per acre. The site was limited to no more than 14 buildings. The petition sought to abandon a portion of Main Street.

**• Proposed Request Details**

The site plan amendment contains the following changes:

- Overall 5.71-acre rezoning area is divided into two sections. Site A consists of 5.15 acres located south of Baldwin Avenue and sites B and C consists of one acre located north of Baldwin Avenue. Located between the two sections are Baldwin Avenue, a pocket park, and housing owned by the Charlotte Housing Authority.
  - 33 single family detached dwellings are proposed on Site A.
  - Six (6) single family detached dwellings and two duplexes are proposed on Sites B and C. The two duplexes will be located on corner lots of South Torrence Street and Luther Street.
  - A new public street provided between Main Street and Luther Street.
  - Elevations provided for proposed house designs, which limit units with front entry garages to a single car garage.
  - Vinyl siding is prohibited as a building material but may be used on windows and door trim.
  - All houses will have a porch that is a minimum of eight feet in depth.
  - Identical house designs will be prohibited on abutting lots.
  - A side or rear entry garage will be provided for 35 percent of the units while 45 percent of units will have a front entry and a one car garage. The remaining 20 percent of units will have a parking area provided in the front or side of the unit.
  - All garages will be recessed from the face of the primary structure by a minimum of two feet and provide for 20 feet of driveway between the face of the garage and the back of the sidewalk.
  - A six-foot sidewalk will be provided on lots fronting on an existing street where a sidewalk does not currently exist.
  - Detached lighting limited to 20 feet in height.
- Public Plans and Policies**
- The *Midtown Morehead Cherry Area Plan* (2012) acknowledges the validity of an existing townhome approval from Petition 2002-128 that was never developed, but recommends that the site be developed with single family residential uses compatible with the neighborhood character at up to eight dwelling units per acre should the previously approved development not be built.
  - The petition is consistent with the *Midtown Morehead Cherry Area Plan*.
- 

**DEPARTMENT COMMENTS** (see full department reports online)

- **Charlotte Area Transit System:** No issues.
- **Charlotte Department of Neighborhood & Business Services:** No issues.
- **Transportation:** No issues.
- **Charlotte Fire Department:** No issues.
- **Charlotte-Mecklenburg Schools:** The development allowed under the existing zoning would generate three students, while the development allowed under the proposed zoning will produce 23 students. Therefore, the net change in the number of student generated from existing zoning to proposed zoning is 20 students.
- **Charlotte-Mecklenburg Storm Water Services:** No issues.
- **Charlotte-Mecklenburg Utilities:** No issues.

- **Engineering and Property Management:** No issues.
  - **Mecklenburg County Land Use and Environmental Services Agency:** No comments received.
  - **Mecklenburg County Parks and Recreation Department:** No issues.
- 

**ENVIRONMENTALLY SENSITIVE SITE DESIGN** (see full department reports online)

- **Site Design:** The following explains how the petition addresses the environmentally sensitive site design guidance in the *General Development Policies-Environment*.
    - Minimizes impacts to the natural environment by building on infill lots.
- 

**OUTSTANDING ISSUES**

- No issues.
- 

**Attachments Online at [www.rezoning.org](http://www.rezoning.org)**

- Application
- Pre-Hearing Staff Analysis
- Site Plan
- Community Meeting Report
- Charlotte Area Transit System Review
- Charlotte Department of Neighborhood & Business Services Review
- Transportation Review
- Charlotte Fire Department Review
- Charlotte-Mecklenburg Schools Review
- Charlotte-Mecklenburg Storm Water Services Review
- Charlotte-Mecklenburg Utilities Review
- Engineering and Property Management Review
- Mecklenburg County Land Use and Environmental Services Agency Review
- Mecklenburg County Parks and Recreation Review

**Planner:** Sonja Sanders (704) 336-8327